

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JULIAN VAUGHN,

Plaintiff,

v.

NICKOLAS TATAR, et al.,

Defendants.

No. 2:23-cv-00672-DC-JDP (PS)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DENYING  
PLAINTIFF'S MOTION TO STRIKE

(Doc. Nos. 36, 40)

Plaintiff Julian Vaughn is proceeding *pro se* in this civil action. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On February 24, 2025, Plaintiff filed a motion to strike statements made by Defendants in their answer to Plaintiff's complaint and in Defendants' counterclaim. (Doc. No. 36.) On April 29, 2025, the assigned magistrate judge issued findings and recommendations recommending that Plaintiff's motion to strike be denied as frivolous. (Doc. No. 40.) Specifically, the magistrate judge found Plaintiff's motion was untimely, his reliance on provisions of the California Code of Civil Procedure were not applicable in this federal action, and his arguments were substantively unconvincing. (*Id.* at 2.) The pending findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 3.) To date, no objections to the findings and recommendations have been filed, and the time in which to do so has passed.

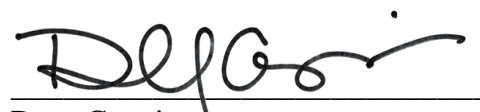
1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
2 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the  
3 findings and recommendations are supported by the record and by proper analysis.

4 Accordingly,

- 5 1. The findings and recommendations issued on April 29, 2025 (Doc. No. 40) are  
6 ADOPTED in full;
- 7 2. Plaintiff's motion to strike (Doc. No. 36) is DENIED;
- 8 3. This action is referred back to the assigned magistrate judge for further  
9 proceedings.

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11 IT IS SO ORDERED.

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13 Dated: July 17, 2025

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15 Dena Coggins  
16 United States District Judge  
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